

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<p>(1) LORI SMITH,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>(1) STATE FARM AUTOMOBILE INSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 16-CV-451-CVE-TLW</p>
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NOTICE OF REMOVAL

The Petitioner, State Farm Mutual Automobile Insurance Company (incorrectly named herein as State Farm Automobile Insurance Company), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County entitled *Lori Smith v. State Farm Automobile Insurance Company*, Case No. CJ-2016-1763. State Farm was served Summons and Petition on June 27, 2016. A copy of Plaintiff's Amended Petition setting forth her claims for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon State Farm is attached hereto and marked Exhibit 2. A copy of Plaintiff's original Petition is attached hereto and marked Exhibit 3.

2. State Farm's principal place of business is in the State of Illinois, and State Farm is incorporated in the State of Illinois. Plaintiff, Lori Smith, is a citizen and resident of Delaware County, Oklahoma, and Colorado. (Amended Petition, p. 1, ¶ 1, Exhibit 1). Plaintiff's cause of action is for alleged breach of an automobile insurance policy and alleged breach of the implied duty of good faith and fair dealing. The matter in controversy between Plaintiff and State Farm, according to Plaintiff's demand, exceeds "the amount necessary for diversity jurisdiction under 28 U.S.C.A.

§ 1332.” (See Amended Petition, p. 6, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff’s demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after June 27, 2016, the date State Farm was served, via the Oklahoma Insurance Department, with a copy of Plaintiff’s Petition, which was the initial pleading setting forth the claim for relief upon which this action is based. (See Summons and Amended Petition, Exhibits 1 and 2).

5. Copies of all process, pleadings, and Orders served upon Defendant, State Farm, have been attached hereto as follows: Amended Petition (Exhibit 1), Summons (Exhibit 2), and Petition, (Exhibit 3). Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 4

6. **WHEREFORE**, Defendant, State Farm, prays that this action be removed.

Dated this 11th day of July, 2016.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**
A PROFESSIONAL CORPORATION

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Certificate of Service

I hereby certify that on July 11, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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